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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,006	01/20/2004	Toshinori Nagahashi	118385	6839

25944 7590 06/09/2005

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EXAMINER	
LIOU, JONATHAN	
ART UNIT	**PAPER NUMBER**
2672	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/759,006	NAGAHASHI ET AL.	
	Examiner	Art Unit	
	Jonathan Liou	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01/23/2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03/08/2005*. + 1/20/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because lacking the details in 101-113 of FIG.1 and 116,117,and 121-132 of FIG.12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program per se is not statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda U.S. Pat. 6,169,544 B1, in view of Imaizumi et al U.S. Pat. 5,430,832.

5. In regards to claim 1 and 5, Onoda teaches a noticing area calculating section, a template selecting section, and an image processing section for enlarging, contracting, and rotating. He also provides the method of how to perform those sections (col 4-6 Onoda.) Although Onoda teaches the editing and trimming, he has not explicitly described the designating sections and methods of a trimming rule and trimming shape recited in the claim 1 and 5. However, Imaizumi teaches that a trimming function and trimming frame, which perform the same functionalities as a trimming rule and trimming shape recited in the claim 1 and 5.

Onoda teaches a frame designation portion (4 FIG.1 Onoda) for assigning an image into the layout area for layout compensation operations, which performs a trimming operation (col 4, lines 4-37 Onoda.); hence, the frame designation in the reference of Onoda performs the same function as a noticing area calculating section. Onoda also teaches a template selection portion for selecting a designated template from a plurality of template groups, which stores in the external memory device (col 4, lines 1-4 Onoda.) Hence, a template selecting portion performs the same functions as a template selecting section recited in the claim 1 and 5. He also teaches that a frame layout have a error calculating section for calculating the aspect ratio information of a image in the frame portion in the layout area or the template (FIG. 2, col 4, lines 46-67, and col 5, lines 1-60 Onoda.) Further, Onoda's image editing device also provide a processing section for an image, and the processing section includes enlarging, contracting, and rotating the image, the panorama-size image scope, which is equivalent to the trimming scope, and the template; then, those functionalities adjust the distribution ratio of the layout area in the template to the method for trimming (col 4-6 Onoda.)

Imaizumi et al. teaches the state of trimming in an image editing apparatus having the function of trimming for trimming an image (col 3, lines 9-51 Imaizumi et al.), and the trimming frame corresponds to the size of the original image and the scope of trimming ca be easily changed, improving convenience in use (col 3, lines 24-61.) The state of trimming and the trimming frame in the reference Imaizumi et al. perform the same functionalities recited in the claim 1 and 5.

Although Onoda does not explicitly teach the a trimming shape designating section for designating a shape of a trimming scope and a trimming rule designating section for designating a shape of a trimming scope, he implicitly explains his image editing device also have trimming rule and shape to enlarge or reduce the layout area of the template (col 4-6 Onoda.) Further, Imaizumi et al. teaches that his present invention is to improve convinience in use of an image editing apparatus having the function of trimming (col3, lines 12-14 Imagism et al.) Since Imaizumi et al. suggests that his invention could improve the image edit device having the trimming device, Onoda's device could have the same improvement by Imaizumi et al.'s teaching. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Onoda's image edit device over Imaizumi et al.'s teaching because the improvement of Imaizumi et al. would provide more flexibility for trimming the image on the Onoda's image editing device. Moreover, the reference of Onoda does teach the editing function and trimming functions (col 4-6 Onoda.)

6. In regards to claim 2-3, Imaizumi et al. further teaches that the trimming image is positioned at the center of the sheet, and the trimming area is automatically changed with the sheet (col 11, 12 Imaizumi et al.) Hence, am image editing device of Onoda in view of Imaizumi et al. also provide the feature of aligning a center of the layout area and center of the template, and that performs the same functions as claim 2 recited. Further, Imaizumi et al. teaches the trimming image is positioned at the center of the sheet, which is rectangle shape, and the layout area and template for the image are inside of the area of the sheet. It is well known by crossing point of diagonal lines of a

rectangle to find a center point of the object that surrounds by a rectangle, such as a sheet. Following the same rationale, basis, and motivation as applied to claim 1 in the office action, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a center aligning section and method of finding the center point on the image edit device of Onoda in view of Imaizumi et al's improvement because the aligning center of Imaizumi et al's can keep the balance of enlarging, contracting, and rotating in Onoda's device (col 11 Imaizumi et al.)

7. Claim 4, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda U.S. Pat. 6,169,544 B1, in view of Imaizumi et al. U.S. Pat. 5,430,832 as applied to claim 1-3 above, and further in view of Tanaka JP A 2001-126070.

8. The image edit device of Onoda in view of Imaizumi et al.'s teaching provides the limitations in the recited claimed 1-3. Their device lacks the feature of a noticing area threshold section recited in the claim 4 and 7-8. Nevertheless, Tanaka teaches determining the degree of attractions by using automatic composition decision equipment, which could determine the good composition of balance on the image automatically by comparing a subject image with the reference. Those attraction of the information on the image is lower than reference are cutoff from the image (see Tanaka reference.) Hence, the decision equipment of Tanaka provides the same functions as a noticing area threshold section recited in the claim 4 and 7-8. Although Onoda and Imaizumi et al does not talk about the threshold section, Onoda teaches a layout imbalance detection portion (col 4 Onoda), which has to have prior reference stored as

the threshold mentions in the claim 4 and 7-8 in order to detect imbalance of the layout section. However, Tanaka gave the better representation of determining a reference for finding the attractive area. Since the device of Onoda in view of Imaizumi et al. and Tanaka's teaching teaches all of the limitations recited in the claim 4 and 7-8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improved the device of Onoda in view of Imaizumi et al. with Tanaka's teaching because determining a threshold with reference for the layout area is essential for the Image trimming device and Onoda does explicitly talks about a layout imbalance detection portion, which also need a reference to determine if a layout is imbalance (col 4 Onoda.)

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to the Image editing device and the method for trimming image in general.

U.S. Pat. No. 6,236,389 to Imaizumi et al.

U.S. Pat. No. 6,229,566 to Matsumoto et al.

U.S. Pat. No. 6,184,860 to Yamakawa, Tadashi

U.S. Pat. No. 6,128,013 to Prabhu et al.

U.S. Pat. No. 6,111,586 to Ikeda et al.

U.S. Pat. No. 5,901,253 to Tretter, Daniel R.

U.S. Pat. No. 5,805,132 to Imaizumi et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM ~ 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou May 31,2005

6/3/05

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